

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
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ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

2015 JUN -9 AM 9:29

UNITED STATES OF AMERICA

NO. 3:14-CR-486-N

DEPUTY CLERK RAJ

v.

DANNY BORGOS

**FACTUAL RESUME**

Danny Borgos (the defendant), John Nicholson (the defendant's attorney), and the United States of America (the government) agree to the law and facts in support of the defendant's guilty plea to Count Two of the Indictment as follows:

**ELEMENTS OF THE OFFENSE**

Count Two

Possession of Obscene Visual Representations  
of the Sexual Abuse of Children  
(Violation of 18 U.S.C. § 1466A(a)(1) and (d)(5))

In order to establish the offense alleged in Count Two of the Indictment, the government must prove the following elements beyond a reasonable doubt:

- First:* That the defendant knowingly possessed a visual depiction, of any kind;
- Second:* that the visual depiction depicts a minor engaging in sexually explicit conduct;
- Third:* that the defendant knew, at the time of such possession, the sexually oriented nature of the visual depiction;
- Fourth:* that the visual depiction is obscene;

*Fifth:* the defendant knew the visual depiction was of a minor; and

*Sixth:* that the visual depiction was possessed in the territorial jurisdiction of the United States.

### **STIPULATED FACTS**

1. On or about October 9, 2014, in the Dallas Division of the Northern District of Texas, in the territorial jurisdiction of the United States, Danny Borgos knowingly possessed a visual depiction of a minor engaging in sexually explicit conduct, as that term is defined in 18 U.S.C. § 2256(2)(A), which is obscene. Specifically, Borgos, while being an inmate at Seagoville Federal Correctional Institution, in Seagoville, Texas, he did knowingly possess a paginated series of drawings, consisting of 37 pages in a comic book-style format, and the cover page labeling it as a “Kidskin COMIXXX” presentation bearing the title “Three Daughters Pt. 1” and featuring three minor girls, “Becca,” age 11, “Jenny,” age 6, and “Annie,” age 9, containing several visual depictions of minors engaging in sexually explicit conduct that are obscene. Some of these drawings are described as follows:

Page Number	Description
8	A series of three framed drawings depicting a naked minor girl and a naked man, identified as the minor girl’s father, engaging in sexual intercourse. The man is depicted penetrating the genitals of the minor girl with his penis in each frame. The first frame (upper left) captions the minor girl stating, “OH! OH! DADDEEEE ...” The second frame (upper right) captions the minor girl stating, “OOOOH PAPA! I LOVE YOUR GREAT BIG COCK IN MY CUNNY!” The third frame (bottom) captions the man thinking “MMM ... ‘SUCH A NICE

	<p>TIGHT PUSSY .. I CAN'T BELIEVE I'M FUCKING MY DAUGHTER ... SHE'S SO BEAUTIFUL.” The third frame also depicts the face of someone peeking through the window from the outside with a surprised look while watching the man and the minor girl engage in sexual intercourse. The following page (Page 9) identifies this peeking person as the man's other minor daughter.</p>
13	<p>A series of drawings depicting a naked minor girl and a naked young man, who have previously been identified as “Annie” and “Jason,” respectively, on Page 10. In the six frames at the top, the minor girl is performing oral sex on the man. In one of these six frames, the man is captioned saying, “JEEZ, YOU ARE <u>SOMETHING</u> LITTLE GIRL.. I CAN'T BELIEVE YOUR'E [sic] ONLY 9. I CAN'T POP YOUR CHERRY BUT I HAVE <u>GOT</u> TO FUCK YOU. CAN I TEACH YOU SOMETHING WAY COOL?” In the seventh frame (bottom left), the man is depicted penetrating the minor girl's anus with his thumb, presumably lubricated with baby oil, and the minor girl is captioned saying, “I DON'T WANNA DO IT IF IT HURTS.” The man is then captioned responding, “IT WON'T, I PROMISE ... MY COUSIN MIMI LOVES IT, AND SHE'S ONLY 7 ...” In the last frame (bottom right), the man is depicted penetrating the minor girl's anus with his penis. In this last frame the minor girl is captioned thinking, “OOOH I <u>LIKE</u> IT IN MY BOTTOM ... I BET BECCA DOESN'T KNOW 'BOUT <u>THIS</u>.” The man is captioned thinking, “UNBELIEVABLE.”</p>
26	<p>A series of framed drawings depicting a naked minor girl, identified as “Jenny,” age 6, and two naked minor boys. In the first frame (upper left), the minor girl is depicted exposing her genitals for the boys while one boy is depicted holding his penis as he looks at her. In the second frame (upper right), the minor girl is captioned saying, “I WANT TO SUCK ON <u>BOTH</u> YOUR COCKS.” In the fourth frame (bottom left), the minor girl is depicted licking one of the boy's scrotum, and in the fifth frame (bottom right), the minor girl is depicted performing oral sex on both boys simultaneously.</p>
31	<p>A series of framed drawings depicting two naked minor girls and a naked man. The series depicts the two minor girls performing oral sex on the man. In the second frame (upper right), one of the minor girls is depicted standing behind the other minor girl, who is sitting on a stool, as the other girl is depicted sucking the man's penis. In this frame the minor girl standing is captioned saying, “I WANT SOME TOO.”</p>

35  (Last Page)	A drawing depicting a naked man and two naked minor girls. The man is depicted placing his tongue on one of the minor girls while the other minor girl's mouth is being penetrated by the man's penis. At the top of the page there is handwriting stating: "To Be Continued ...."
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2. On October 9, 2014, a Bureau of Prisons (BOP) guard went to search

<sup>SMN</sup>  
<sup>DAB</sup> ~~Borgos's~~ cell at Seagoville Federal Correctional Institution. When the guard approached the cell he saw Borgos and another inmate sitting at a table in front of the cell. The <sup>SMN</sup> <sup>saw</sup> guard ~~found~~ a mesh bag that belonged to Borgos and he searched it. Inside the mesh bag the guard found a paginated series of drawings, consisting of 37 pages in a comic book-style format, and the cover page labeling it as a "KIDSKIN COMIXXX" presentation bearing the title "Three Daughters Pt. 1" and featuring three minor girls, "Becca," age 11, "Jenny," age 6, and "Annie," age 9, containing several visual depictions of minors engaging in sexually explicit conduct that are obscene. These are the visual depictions specifically described in Count Two of the Indictment, and in Paragraph No. 1 of this Factual Resume.

3. Borgos gave BOP a written statement about these visual depictions.

Specifically, Borgos confessed that these visual depictions belonged to him and described them as a "bunch of drawings of children having sexual intercourse and an adult male sexually assaulting three little girls." Borgos also admitted that he received the drawings from another inmate, who <sup>offered</sup> ~~promised~~ to make him more.

<sup>SMN</sup> <sup>DAB</sup>  
4. Borgos stipulates that he knowingly possessed the above-described visual depictions, that they are accurately described in the indictment, that they consist of

drawings of minors engaging in explicit conduct as defined in 18 U.S.C. § 2256(2)(A), and that he knew, at the time he possessed them, the sexually oriented nature of these visual depictions. Borgos stipulates that these visual depictions are obscene. Borgos also stipulates that Seagoville Federal Correctional Institution, where he was housed as an inmate, is located in the Northern District of Texas and that it is in the territorial jurisdiction of the United States.

[NO FURTHER INFORMATION ON THIS PAGE]

5. Burgos stipulates that prior to October 9, 2014, he had been convicted for the felony offense of ~~Receipt and Distribution of Child Pornography and Possession of Child Pornography~~, offense in violation of ~~18 U.S.C. §§ 2252A(a)(2)(B) and 2252A(a)(5)(B), respectively~~. Specifically, Burgos stipulates that he was convicted of ~~these~~ <sup>SMN DAB</sup> offenses on July 31, 2013, in the United States District Court for the Southern District of New York, Cause No. 12 R. 00256. Consequently, Burgos and the government stipulate that the penalties for Burgos's conviction for Count Two are provided in 18 U.S.C. § 2252A(b)(2).

AGREED TO AND SIGNED this <sup>5th</sup> day of <sup>June</sup> ~~April~~, 2015.

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ACTING UNITED STATES ATTORNEY

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DANNY BORGOS  
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